



Luxembourg

Country Reports on Human Rights Practices - [2001](#)

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Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The Government respects the constitutional provisions for an independent judiciary in practice.

Civilian authorities maintain effective control of the only security forces, the Grand Ducal Police.

Luxembourg, with a population of approximately 443,000, has a prosperous market economy with active industrial and service sectors. The standard of living and the level of social benefits are high.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Domestic violence was a problem. Women were trafficked for sexual exploitation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally meet international standards. Men and women are held separately in prisons. Juveniles and adults at times are held together, in the case of minor crimes. Pretrial detainees are not held separately from convicted criminals.

From December 1999 to May 2000, 6 inmates committed suicide at the penitentiary in Schrassig, which houses 330 inmates. A report commissioned by the Government cited poor management, rampant drug use, and an insufficient number of trained personnel at the prison to cope with the inmates' medical and psychological problems. In October 2000 the Minister of Justice appointed a new prison director and allocated \$1.3 million (LUF 60 million) to fund antidrug programs at the penitentiary. In December a local NGO reported that the prison's problems persist.

The Government permits prison visits by independent human rights monitors, although no such visits were requested during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions.

Judicial warrants are required by law for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

The Constitution prohibits forced exile, and the Government does not employ it in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. One of the country's three Justices of the Peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two District Courts hears more serious cases. The Youth and Guardianship Court rules on matters concerning the protection of young persons. An administrative court system reviews citizen challenges to legislation.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor may appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

A total of six daily and two weekly newspapers are published. While independent, all but one have an editorial line slanted toward a major political party. One domestic radio and television station, partially owned by the State, broadcasts in the country.

In 2000 judicial police searched Socialist Party offices in an attempt to implicate party members of collaboration with a journalist who in 1998 had alleged corruption on the part of the Interior Minister. There were no reports of such activity by the Government during the year.

Internet access is widely available and unrestricted.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the Government generally respects these rights in practice. The Government requires and routinely issues permits for public meetings and demonstrations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no state religion, but the State provides financial support to some churches. Specifically it pays the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments maintain sectarian religious facilities. The Government has not acted on longstanding Anglican and Islamic requests for government funding.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provides first asylum.

In March the Government invited certain persons residing in the country without legal status to legalize their situations. In December the Government reported that it had processed one-half of the 1,544 applications and granted legal status to 1,070 persons. The Government refused legal status to 22 applicants, who were to remain in the country until the Government returned them to their countries of origin. The remaining applications were pending at year's end. In the summer, the Government pledged to expel several thousand refugees from Montenegro who reportedly did not qualify for asylum status, although it had not done so by year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National parliamentary elections are held at least every 5 years.

The percentage of women in government or politics does not correspond to their percentage of the population, although they are active in political life. Of 60 members of Parliament, 10 were female, and there were 4 female members of the 12-member Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits racial, sexual, or social discrimination, and the Government enforces these provisions.

Women

Domestic violence is a problem. In 2000 shelters provided refuge to 362 women and 413 children. The law does not specifically prohibit domestic violence. Information offices set up to respond to women in distress reported that they received 3,724 telephone calls in 2000, a decrease from 1999 levels. The Government funds organizations that provide shelter, counseling, and hot lines. Women were trafficked for sexual exploitation (see Section 6.f.).

Women enjoy the same property rights as men under the law. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage. The law mandates equal pay for equal work, and the Ministry for the Promotion of Women has a mandate to encourage a climate of equal treatment and opportunity; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Government cites the interruption in the careers of women caused by childbirth and

their maternal roles as one reason for the disparity. There have been no work-related discrimination lawsuits. Women constitute 33 percent of the work force.

Children

The Government is strongly committed to children's rights and welfare; it amply funds a system of public education and health care. The law mandates school attendance from the ages of 4 through 15, and school attendance is universal through that age. Schooling is free through the secondary level, and the Government provides some financial assistance for postsecondary education.

There is no societal pattern of abuse of children. A physicians' organization estimated that approximately 200 cases of child abuse are treated in hospitals each year that result in legal proceedings. The Government's hot line for young persons in distress received 641 calls during the year.

A 1999 law increased penalties for adults who traffic in children, facilitate child prostitution, or exploit children through pornography. The law also extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such activities were reported during the year.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services. The Government helps persons with disabilities obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring workers with disabilities and must pay them prevailing wages. The quotas are fixed according to the total number of employees; employers who do not fulfill them are subject to sizable monthly fines. The Government provides subsidies and tax breaks for employers who hire persons with disabilities. There have been no known complaints of noncompliance with the disability laws.

However, despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons are not applied or enforced consistently, and there is a particular problem in the case of persons with mental disabilities.

The law does not directly mandate accessibility for persons with disabilities, but the Government pays subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a small proportion of buildings and public transportation vehicles are modified to accommodate persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

All workers have the constitutional right to associate freely and choose their representatives, and they exercise this right in practice. Of the working population, 57 percent belong to a trade union. Membership is not mandatory. Unions operate free of governmental interference. The two largest labor federations are linked to, but organized independently of, major political parties.

The Constitution provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government's National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. No strikes, legal or illegal, occurred during the year. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

Unions maintain unrestricted contact with international bodies.

b. The Right to Organize and Bargain Collectively

The law provides for and protects collective bargaining, which is conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal can fine an employer found guilty of antiunion discrimination, but it cannot require the employer to reinstate a worker fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, women were trafficked for sexual exploitation (see Section 6.f.).

The Government prohibits forced and bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitor the enforcement of child labor laws.

In March the Government ratified the International Labor Organization's Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The law provides for minimum wage rates that vary according to the worker's age and number of dependents. The minimum wage for a single worker over the age of 18 is \$6.34 (LUF 285) per hour. The minimum wage is not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Employment on Sunday is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries have requested permission for Sunday work, which the Government grants on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage; employees must be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers receive at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provides severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carry out effective inspections. No laws or regulations specifically provide workers the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the Labor Inspectorate to make a determination regarding workplace safety, and the inspectorate usually does so expeditiously.

Foreign workers are protected equally by law.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women for sexual exploitation reportedly was a problem. Luxembourg is a destination country for trafficked women. Most women trafficked into the country come from Russia, Ukraine, Hungary, and Romania and work in "cabarets."

The Penal Code provides for 5 years' imprisonment for trafficking. However, by year's end, no one had been arrested or prosecuted on trafficking charges. In February the Chamber of Deputies debated the Government's policy that grants limited entry visas and special work permits to nearly 1,000 women a year,

mainly from Eastern Europe, to work as performers in cabarets. However, no reforms had been passed by year's end.

There were no government prevention campaigns, and there were no government services for victims. During the year, the Green Party initiated a trafficking awareness campaign that consisted of several media interviews and the first-ever public conference on the issue in Luxembourg. No local NGO's deal with the problem.